

Virginia Division of Consolidated Laboratory Services
ENVIRONMENTAL LABORATORY CERTIFICATION PROGRAM

GUIDANCE DOCUMENT

**SUSPENSION OF ACCREDITATION
(1VAC30-46)**

Revised November 4, 2014

The Division of Consolidated Laboratory Services (DCLS) provides an opportunity for suspension of accreditation of an environmental laboratory prior to withdrawal of accreditation. Suspension is the temporary removal of a laboratory's accreditation and an interim step before DCLS proceeds with withdrawal of accreditation. Suspension allows a laboratory the time to correct deficiencies or an area of non-compliance with the requirements of 1VAC30-46 during a period not to exceed six months or the period of accreditation, whichever is longer.

This guidance explains:

- when suspension of accreditation is applicable,
- the process DCLS will use to suspend a laboratory,
- the laboratory's responsibilities when its accreditation has been suspended, and
- the laboratory's accreditation status following the suspension period.

Reasons for Suspension

DCLS may suspend a laboratory's accreditation in part or in total for the following reasons:

1. Failure to complete proficiency testing studies and maintain a history of at least two successful proficiency testing studies for each affected certified field of accreditation out of the three most recent proficiency testing studies as required by 1VAC30-46-210 C. [1VAC30-46-100 B 2]
2. Failure to notify DCLS of any changes in key accreditation criteria as set forth in 1VAC30-46-90. [1VAC30-46-100 B 7]
3. Failure to maintain a quality system as required by 1VAC30-46-210 D. [1VAC30-46-100 B 3]
4. Failure of laboratory to employ staff that meets the personnel qualifications for education, training and experience as required by 1VAC30-46-210 A. [1VAC30-46-100 B 4]

Process to Suspend Accreditation

- When VELAP determines that there is cause to suspend a laboratory, VELAP will send notification to the laboratory stating DCLS's intent to suspend due to determination that the laboratory has failed to meet the requirements of 1VAC30-46 for one or more of the reasons listed above.

- The notification will request the laboratory to notify VELAP in writing and provide documentation supporting the laboratory's position if the laboratory believes VELAP is incorrect in its determination within thirty (30) days. This opportunity for a laboratory's feedback to correct errors or omissions by VELAP assures due process before any regulatory action is taken.
- The notification will state that the laboratory is required to take corrective action whenever a failure occurs and to document the corrective action. The notification will require the laboratory to provide DCLS with documentation, upon request or at the next on-site assessment, of the corrective action taken with regard to its failure to meet a requirement of 1VAC30-46.
- The notification will state what the laboratory must do to restore its accreditation status and avoid suspension and the time allowed to do so.
- VELAP may allow the laboratory up to 60 days to correct the problem for which it may have its accreditation suspended.
- VELAP will set a date between thirty (30) and sixty (60) days from the notification to the laboratory as the date on which to provide the DCLS Director with a recommendation for suspension.
- If the laboratory does not correct its deficiencies within the stated period, the DCLS Director shall suspend the laboratory's accreditation in part or in total.
- VELAP will notify the laboratory should suspension occur by providing a revised certificate. VELAP also will notify the Department of Environmental Quality (DEQ) and/or the Office of Drinking Water, as applicable, should suspension occur.
- The laboratory may provide information demonstrating why suspension is not warranted in accordance with the standard or regulation referenced in the DCLS letter. If such information is not provided prior to the suspension date, the laboratory accepts the decision to suspend in accordance with the referenced standard and/or 1VAC30-46.

Responsibility of the Laboratory When its Accreditation Status has been Suspended

When DCLS suspends a laboratory's accreditation, the following applies to the laboratory for the duration of the suspension period:

- The laboratory cannot continue to analyze samples for the suspended Fields of Accreditation in order to provide data for compliance purposes to DEQ either for the laboratory owner or for clients the laboratory may serve.
- For compliance with 1VAC30-46, only those commercial laboratories holding accreditation from DCLS may conduct testing.

Accreditation Status Following the Suspension Period

- The laboratory's accreditation status will be reinstated when the laboratory demonstrates to DCLS that it complies with the requirements of 1VAC30-46.

- A suspended laboratory will not have to reapply for accreditation if the cause for suspension is corrected within the term of suspension
- If the laboratory fails to correct the cause(s) for suspension within the term of suspension, DCLS shall withdraw accreditation from the laboratory in total or in part.

Right of Due Process

The laboratory has the right to due process as set forth in 1VAC30-46-110 and in accordance with the Administrative Process Act (§2.2-4000 *et seq* of the *Code of Virginia*).